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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
AT TACOMA

10 JACK STEIN,

11 Petitioner,

12 v.

13 SCOTT FRAKES,

14 Respondent.
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Case No. C09-5006RBL

ORDER FOR SERVICE AND
RETURN, § 2254 PETITION

16 (1) The clerk shall arrange for service by certified mail upon respondent and the Attorney
17 General for the State of Washington, copies of the fifteen (15) page Petition that was submitted along
18 with Petitioner's application to proceed in forma paupers. The Attorney General has access to all
19 documents filed by Petitioner in support of the petition through the court's electronic filing system, and
20 therefore these do not have to be served with the Petition.

21 All costs of service shall be advanced by the United States. The Clerk shall assemble the
22 necessary documents to effect service. In addition, the Clerk shall send petitioner a copy of this Order,
23 along with a copy of the Court's General Order regarding *pro se* litigation.

24 (2) Within forty-five (45) days after such service, respondent(s) shall file and serve an answer
25 in accordance with Rule 5 of the Rules Governing § 2254 Cases in United States District Courts. As part
26 of such answer, respondent(s) should state whether petitioner has exhausted available state remedies,
27 whether an evidentiary hearing is necessary, and whether there is any issue of abuse or delay under
28 Rule 9. Respondent shall not file a dispositive motion in place of an answer without first showing cause

1 as to why an answer is inadequate. Respondent(s) shall file the answer with the Clerk of the Court and
2 serve a copy of the answer upon petitioner.

3 (3) The answer will be treated in accordance with Local Rule CR 7. Accordingly, upon
4 receipt of the answer the Clerk will note the matter for consideration on the fourth Friday after the answer
5 is filed, petitioner may file and serve a response not later than on the Monday immediately preceding the
6 Friday appointed for consideration of the matter, and respondent may file and serve a reply brief not later
7 than on the Thursday immediately preceding the Friday designated for consideration of the matter.

8 DATED this 28th day of January, 2009.

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10 /s/ J. Kelley Arnold
11 J. Kelley Arnold
12 United States Magistrate Judge
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